2:Evans-Pritchard E-5 (1931, 1936) 1951
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who leaves one man is likely to leave another. However, some women become concubines through misfortune, and not by choice, and are not unsuited or averse to the married state. A girl becomes pregnant in courtship and her swain has no cattle with which to marry her, or a young mother, unhappy when she comes to live in her husband's home, runs away from him and her bridewealth is returned. In such circumstances a lover may well be prepared to pay bridewealth for her, though fewer cattle than he would pay for a maiden, and to go through the nuptial rites with her, so that he may have full legal rights in her and in all children she has borne or may bear to him or to any other man. The *ciek ma keagh*, unmarried concubine, then becomes *ciek pany*, a true wife. It sometimes happens too that a youth makes a girl pregnant and would like to marry her but has insufficient cattle. He pays what cattle he can get together, and the girl's people let him take her on the promise that he will pay the rest when he is able to do so; but they refuse to solemnize the marriage, so she is regarded as a sort of concubine. The marriage rites may not be performed till years afterwards, sometimes not till just before the marriage of her eldest daughter. Then the wedding dance is held and the cattle are blessed to make an honest woman of her, as we would say. Till then she can only be described as half-concubine, half-wife.

We may perhaps speak of an unmarried woman, the man with whom she lives, and the children she bears to him in his home as a simple natural family in contrast to a simple legal family. We cannot deny that this group is some kind of family, for its members live together in a common household on the pattern of a simple legal family, at any rate for some years. But whereas in the simple legal family the tie between pater and child is derived from the tie between husband and wife created by payment of bridewealth, in the simple natural family it is a direct tie created by payment of cattle for the child and not for the mother. We may compare the simple natural family also with the kind of family that springs from widow-concubinage. This last is a complex group in that the woman and the children she bears to her lover belong not only to the natural family of a man, his mate, and their children, but to a different, and legal, family as well. The genitor can never pay a fee to become pater of his natural children. When a man begets children by an unmarried woman there is no

2:Evans-Pritchard E-5 (1931, 1936) 1951
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588 legal family in opposition to this natural family and the genitor
594 can become pater to the children. If the woman leaves him, his position is then equivalent to that of a man who has divorced his wife, but has left part of the bridewealth with her family to retain his children.

842 It is clear from the facts I have recorded that Nuer do not attach great importance to physiological paternity. Men prefer to beget their own sons, but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal fatherhood of the child is well established. This is particularly evident in their ideas about adultery, and a consideration of them will serve also to emphasize that Nuer acknowledge social and mystical links between a child and his natural father.

837 It is adultery if a man has relations with another man's wife, including ghost-wives and leviratic wives. I was struck among the Nuer both by the frequency of adultery and the infrequency of quarrels or even talk about it. Nuer seem to treat the matter lightheartedly, and not to be at all ashamed of their adulteries. In speaking of adultery, it is the risk of being speared or clubbed if caught in the act, or having to pay compensation to the husband if he finds out what is happening, that they bring to the fore. Adultery in their eyes is an illegal but not an immoral act.

684 The legal position is as follows. When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him, the husband will probably, if the two men live in the same district, receive the cattle. Nuer regard adultery in the husband's home as a more serious offence than adultery in the bush because they believe that it is more likely to cause the husband sickness. Adultery is a double damage: it is an infringement of rights and it can injure the husband's health.

If after the six head of cattle have been paid a healthy child is born of the adulterous congress, five of them must be returned, because 'the cattle and the child must not meet in one place'. Otherwise, the cattle paid in compensation partake of the nature of a legitimatization fee and hence give the genitor a claim on the child. The birth of a child seems to be thought to change the compensation for an adultery (*ruok*) into a fee for legitimatizing a child (also *ruok*). I only discovered this convention after I had left

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husband is alive the beasts count as part of his herd and the wives cannot dispose of them without his consent, which he can withhold. With the consent of the wife concerned, which she would find it difficult to withhold, he can dispose of them for marriages or other purposes.

A man also gives oxen to his sons so that they may display themselves in their company, but, here again, the sons do not have rights in them against their father, who can use the animals for any purpose he thinks fit, including the marriages of other sons than those to whom he has given the beasts, though he would promise a son deprived of his ox to replace it as soon as he could do so. The only cattle a father cannot, or at any rate ought not to, take for his own use without his sons' consent are those which come to them by inheritance, for these are *ghok jookni*, cattle of the ghosts. They may come through a dead mother's right, or the son may be the child of a ghost-marriage or a leviratic marriage and have a right to the herd of his pater, which should not be set aside by the man who is acting in his father's place.

The family is an economic unit. Its members, with aid in certain undertakings from kinsmen and neighbours, maintain themselves and provide for their daily needs. None of the broader departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. Also, tasks which are normally performed by one sex may be performed by the other in circumstances which render this necessary. Nevertheless, there is a clear, and complementary, division of labour between men and women. Boys' work is mostly within the sphere of men's activities, the older boys performing many adult tasks, and, except for milking, they take no part in labour which is never done by men. Girls have the same duties as women, to the extent their age permits.

Most of the labour connected with the flocks and herds falls to the men and boys. The work of gardens is shared equally between men and women, sons assisting their mothers and the husband his wives. Only men hunt, and they and the boys do by far the greater part of the fishing. Women collect wild fruits and roots. Men do most of the building and repair of byres and huts, though women do some of the lighter tasks in these activities. Most of the daily tasks of the home, especially the preparation of food by churning, pounding, grinding, cooking, and brewing, are the

2:Evans-Pritchard E-5 (1931, 1936) 1951
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462 exclusive privilege of women. Men manufacture most of the weapons and ornaments they use for themselves and for the cattle, and women the utensils and ornaments they use.

In general it may be said that men take on themselves a fair share of the labour of the home, that the routine work of the homestead is chiefly in the hands of women and a man's work very largely in the bush, and that tasks requiring greater strength are done by men. Division of labour between age-grades is also equitable.

●594 A Nuer home is run by the combined efforts of all its members and the labour of running it is fairly distributed among them. One cannot but be struck by the camaraderie of the family as they assist one another in daily and seasonal tasks, either by direct aid or by co-ordination of activities. No work is considered degrading, no one is a drudge, all have leisure for rest and recreation, and all are content with their roles in the economy of the home. Indeed, the division of labour between sexes and ages accords with the social and personal freedom of women and children in Nuerland and with the recognition, so striking among the Nuer, of the independence and dignity of the individual.

462 I have omitted details in this brief account of division of labour, but there is one to which attention must be drawn. No man may milk the cows. This can only be done by women and uninitiated boys, and boys do not generally milk if there are women in the home. Woman's exclusive role of milkmaid combined with her roles of dairymaid and cook make her the centre of family and household. However many cattle a man may possess, he is helpless without a wife or mother or sister to milk the cows. It is only through marriage that a man can have a home of his own, and one of the most serious consequences of divorce is that it compels him to attach himself to the home of a kinsman whose womenfolk can milk and cook for him. Hence, also, if a man dies leaving motherless unmarried sons, efforts are made for the eldest of them to be married as soon as possible so that the others may group themselves around him, or rather round his wife, who cooks and milks for them all. Otherwise the brothers may scatter to the homes of their married sisters, of their mothers' brothers, or of some other kinsmen. Even after men are married and have homes of their own there are many occasions when they have to rely on the wives of brothers or of other neighbours and kinsmen for the

8:Howell E, G-5 (1942-1944)1954
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compensation for adultery unless some previous agreement has been reached between them. The legal husband of the woman and the legal father of her children is still the man who has died. The children will be linked in the lineage of his family to his name, and the legality of the marriage is guarded by his heirs. In his name, his heir or heirs will continue to represent his interests, and indeed those interests are their own as members of his kinship group. This point is all-important in the assessment of rights in a widow in legal disputes which appear before Nuer courts. If, as sometimes happens, the bridewealth cattle are returned to the wife's family in the event of her husband's death, no further rights in that woman are retained by the dead man's heirs; but in this case the legal marriage has been dissolved, and the situation is not really different from normal cases of divorce.

Differences between 'Ghost-Marriage' and the Levirate

(i) A 'ghost-marriage' means that the vicarious husband as legal representative of the dead man actually *marries* the wife in the sense that he collects and hands over the bridewealth cattle for her and performs the marriage ceremonies with her on behalf of the dead man. In the levirate, the kinsman merely enters as a substitute into a marriage which is already in existence.

(ii) Generally speaking, in the case of the levirate, since the marriage was not actually initiated and negotiated by the pro-husband, he has less control over the widow than he would over a 'ghost-wife'.

(iii) The levirate differs from 'ghost-marriage' in that the legal husband (*pater*) and his widow once lived together as man and wife.

(iv) Although the leviratic family, like the 'ghost-family', consists of the dead husband (*pater*), the pro-husband (*genitor*) and the children born of the woman, the children, or at least some of them, may have been begotten by the dead man. Therefore in a 'ghost-marriage' the dead man is the *pater* but never the *genitor* of the children; in a leviratic union the dead man is always the *pater* and he may have been the *genitor* of all or some of the children. The distinction is emphasized in Nuer terminology: a child begotten by the dead man is known as *ret*, an orphan. A 'ghost-child' is known as *gat jooka*.

The levirate is established by the previous payment of bridewealth cattle. Therefore, unless the bridewealth is returned for some definite misbehaviour on the part of the widow, the simple legal marriage continues after the death of the husband and children born either before or after his death are legally his.

Categories of Persons with whom a Widow lives

The most usual and correct form of leviratic union implies the cohabitation of a woman with her dead husband's brother, and in

14: Huffman M-5 (no date) 1931
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582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 837 After a wife goes to live with her husband permanently, if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for [595] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.